

March 15, 1976

SENATOR BURROWS: Yes. Mr. Chairman, all of us in this body, when we first took office, we swore to uphold the Constitution of the State of Nebraska and the Constitution, I again remind you, provides that we provide education for all students in the state and the geographic circumstance up in this area is leaving a situation where with a very large district and great distance involved several students are not being provided an education that is within their ability to participate in. If we put this amendment on, we have made a piece of scrap paper and I join Senator Lewis in the idea we had just as well indefinitely postpone this bill. It is the state's obligation under the Constitution. It is our obligation, as Senators, to see to it that every district provides education that is readily available to every student in the state. I know that several of us were very sympathetic with the problem that was presented to us at the hearings we held outstate Nebraska where these children were not receiving education presently. We were thinking, some of us, of introducing a bill down this same line. It is not just a district problem for every Senator. We are responsible to every citizen in this state as State Senators, not to only those of our own district, and it would be a great mistake to adopt this amendment which would leave no recourse, really, for those parents except to talk about it and have the same thing happen to them again. I thank you.

PRESIDENT: Senator Lewis. Frank Lewis. Senator Kime, you are the mover on this motion. Would you like to close debate or I mean Senator Stull is the mover. I am sorry. Would you close the debate, please.

SENATOR STULL: Yes, well, I want to correct one statement that Senator Lewis said that I was against education and I am not. The reason I wanted this struck out in the first place is the fact that I want these students to have an education. When you pass such a statute such as this, well, what board of education would enter into a contract or agreement where it was all one-sided without any recourse, only the Department of Education. Now, I know of one lawsuit and what happened. There was a dispute whether this child could attend school or not and the first thing that the judge ruled was that this child shall be kept in school, and anytime that they would go to court, I am sure that any judge in the State of Nebraska, that would be his prime concern that this student be given the opportunity of an education and I have a lot of faith in our courts. Now, Senator Burrows, said that some of these students were being denied an education. I wished he would have told us just where that happened. I am not aware of it and I have at least three or four Class VI districts out in my legislative district. Now this is a good compromise amendment and I would certainly hope that you would adopt it and let this bill go on its way. It would take care of Senator Kime's situation and it would be something that we could live with. Thank you.

PRESIDENT: The question is the adoption of the amendment sponsored by Senator Kime but moved by Senator Stull. Record your vote. Have you voted? Record.